IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

Autoscribe Corporation *Plaintiff*, v. Nuvei Corporation, Nuvei Technologies Corporation, Nuvei Limited, and Nuvei International Group Limited, *Defendants*.	§ § § § § § § § § §	Case No.: 2:24-cv-00325 JURY TRIAL DEMANDED

PLAINTIFF'S AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Autoscribe Corporation ("Autoscribe" or "Plaintiff") hereby submits this Amended Complaint for patent infringement against Defendants Nuvei Corporation, Nuvei Technologies Corporation, Nuvei Limited, and Nuvei International Group Limited (together, "Nuvei" or "Defendants") and alleges, based on its own personal knowledge with respect to its own actions and based upon information and belief with respect to all others' actions, as follows:

I. THE PARTIES

1. Autoscribe is a Corporation organized under the laws of the state of Maryland with its principal place of business at 12276 San Jose Blvd, Suite 624, Jacksonville, FL 32223.

2. Nuvei Corporation is a corporation organized under the laws of Canada.[1] Nuvei Corporation can be served through Lindsay Matthews, or any other person who appears to be in care and control of Nuvei Corporation and authorized to accept service of process on its behalf, at 1100 René-Lévesque Boulevard West, Suite 900, Montreal, Quebec H3B 4N4.[2]

[1] https://investors.nuvei.com/node/6231/html (last visited April 29, 2024).
[2] https://www.sec.gov/Archives/edgar/data/1765159/000095010324003937/dp208474_6k.htm (last visited April 29, 2024)

3. Nuvei Technologies Corporation is a corporation organized under the laws of Canada.[3] Nuvei Corporation can be served through Lindsay Matthews, or any other person who appears to be in care and control of Nuvei Corporation and authorized to accept service of process on its behalf, at 1100 René-Lévesque Boulevard West, Suite 900, Montreal, Quebec H3B 4N4.[4]

4. Nuvei Limited, formerly known as Safecharge Digital Limited, is a corporation organized under the laws of Cyprus.[5] Nuvei Limited can be served through Regiserve Secretarial Limited, or any other person who appears to be in care and control of Nuvei Corporation and authorized to accept service of process on its behalf, at Kafkasou, 9, Treppides Tower, Floor 3, Flat/Office 301, Aglantzia 2112, Nicosia, Cyprus.

5. Nuvei International Group Limited, formerly known as Safecharge International Group Limited, is a corporation organized under the laws of Guernsey.[6] Nuvei International Group Limited does not have a resident agent in Guernsey, as Nuvei Corporation, Nuvei International Group Limited's parent company, was until recently registered on the New York Stock Exchange.[7] Accordingly, Nuvei International Group Limited can be served through Lindsay Matthews, or any other person who appears to be in care and control of Nuvei Corporation and authorized to accept service of process on its behalf, at 1100 René-Lévesque Boulevard West, Suite 900, Montreal,

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[3] https://www.nuveipartner.com/privacy-policy (last visited April 29, 2024).
[4] https://www.sec.gov/Archives/edgar/data/1765159/000095010324003937/dp208474_6k.htm (last visited April 29, 2024)
[5] https://efiling.drcor.mcit.gov.cy/DrcorPublic/SearchResults.aspx?name=nuvei+limited&number=%25&searchtype=optStartMatch&index=1&tname=%25&sc=0 (last visited Oct. 30, 2024).
[6] https://portal.guernseyregistry.com/e-commerce/company/114806 (last visited Oct. 30, 2024).
[7] https://islandconsortium.com/virtual-learning/pluginfile.php/700/mod_resource/content/1/8%20-%20Resident_Agent_Guidance.pdf (last visited Oct. 30, 2024) (discussing exceptions for resident agent rule for subsidiaries of companies on a recognized stock exchange).

Quebec H3B 4N4.[8]

II. JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. § 271.

7. As discussed in greater detail below, Defendants have actively induced and/or contributed to acts of patent infringement by others in this judicial district, the State of Texas, and elsewhere in the United States, by encouraging Texans and other Americans to use their products or services that infringe Autoscribe's Asserted Patent (defined below). These actions are torts committed in Texas under the state's long-arm statute.

8. Specifically, Defendant Nuvei International Group, Limited, a subsidiary of Nuvei Corporation and Nuvei Technologies Corporation, stores, processes, and transmits account data through its Nuvei Payment Gateway, tokenization service, and payment page. Defendant Nuvei Limited, also a subsidiary of Nuvei Corporation and Nuvei Technology Corporation, owns and administers the secure servers where the storage, processing, and transmission of account data occurs. The Nuvei Defendants make the Nuvei Payment Gateway, tokenization service, and payment page available for Americans to access and integrate into their e-commerce businesses at https://docs.nuvei.com/documentation/home/ and https://docs.nuvei.com/api/main/indexMain_v1_0.html?json#Introduction, including citizens of the Eastern District of Texas. Using these products causes such users to directly infringe Plaintiffs' 11,620,621 Patent (described further below). These products "enable[ ] online merchants and

[8] https://www.sec.gov/Archives/edgar/data/1765159/000095010324003937/dp208474_6k.htm (last visited April 29, 2024)

service providers to process consumer payments through Nuvei's digital payment Gateway."[9] Such merchants and service providers in Texas include the New Balance store in Frisco, Texas,[10] Hays Utility North Corporation in southeast Texas,[11] and Sabre Corporation in Southlake, Texas.[12]

9. Because Defendants' release of instrumentalities like the Nuvei Payment Gateway and payment page on these webpages actively allow, enable, and/or contribute to citizens of the Eastern District of Texas infringing the 11,620,621 Patent, this Court has personal jurisdiction over all Defendants.

10. For all Defendants, venue is proper under 28 U.S.C. § 1391(c) because, being alien corporations, they may be sued in any district that has personal jurisdiction over them.

III. BACKGROUND

11. Fraud in credit cards and other financial transactions is a major problem, particularly in the online marketplace. Considerable resources are devoted to securing credit card and other account information provided to online merchants by payers. A single breach of security incident can compromise millions of credit card accounts, and such breaches are reported on a regular basis. As such, customers' financial data are sensitive in nature and are subject to strict regulations. Companies that fail to adequately protect customers' credit card data may face significant legal and regulatory consequences.

12. Autoscribe is a leading financial services company and payment processor, currently processing more than $2 billion in transactions annually and servicing thousands of financial institutions and corporate billers across the nation. As part of its mission, Autoscribe has

[9] https://docs.nuvei.com/api/main/indexMain_v1_0.html?json#Introduction
[10] https://finovate.com/nuvei-acquired-by-private-equity-firm/ (last visited April 29, 2024); https://www.newbalance.com/stores/ (last visited April 29, 2024).
[11] https://issuu.com/nuveitech/docs/nuvei_hays_case_study (last visited April 29, 2024).
[12] https://nuvei.com/company/press-releases/nuvei-integrates-with-sabre-to-offer-market-leading-payments-for-the-travel-and-hospitality-industries/ (last visited April 129, 2024).

invested significant resources and capital into developing new technologies to facilitate transactions and assist billers in meeting their compliance needs while minimizing costs and complexity.

13. Autoscribe has protected these technologies with a robust and growing patent portfolio.

14. On April 4, 2023, the United States Patent and Trademark Office ("USPTO") duly and legally issued United States Patent No. 11,620,621 ("the '621 Patent" or "the Asserted Patent"), titled "Enrolling a payer by a merchant server operated by or for the benefit of a payee and processing a payment from the payer by a secure server." The Asserted Patent is valid and enforceable.

15. The Asserted Patent is directed to "systems and methods for obtaining and using account information to process financial payments."

16. Autoscribe is the original applicant and the sole and exclusive owner of all rights, title, and interest in the Asserted Patent, including the sole and exclusive right to prosecute this action, to enforce the Asserted Patent against infringers, to collect damages for past, present and future infringement of the Asserted Patent, and to seek injunctive relief as appropriate under the law.

17. Autoscribe has complied with any marking requirements under 35 U.S.C. § 287 with regard to the Asserted Patent.

18. Nuvei is a financial services company that mainly provides payment processing services and solutions. They process approximately $130 billion of payments annually, and most of the revenues are based on sales volume generated from their customers' daily sales and through various transaction and subscription-based fees for Nuvei's payment processing technologies.

19. As discussed in greater detail below, Defendants provide and use processing solutions, including their "Payment Page," "Simply Connect," and "Web SDK" products, that are covered by the Asserted Patent.

20. Defendants compete directly against Autoscribe, including through their "Payment Page," "Simply Connect," and "Web SDK" products, causing Autoscribe to lose significant profits.

21. Accordingly, Defendants' infringement, as described below, has injured, and continues to injure Autoscribe.

IV. COUNT I: INFRINGEMENT OF THE ASSERTED PATENT

22. Autoscribe incorporates each of the allegations of Paragraphs 1–21 above.

23. Defendants have actively induced and/or contributed to infringement and continue to indirectly infringe the Asserted Patent by, for example, without authority, providing and maintaining instrumentalities and processes to American citizens that practice one or more claims of the Asserted Patent.

24. Defendants are not licensed or otherwise authorized to, directly or indirectly, make, use, offer for sale, sell or import any products or services that embody the inventions of the Asserted Patent in the United States.

25. Defendants have and continue to indirectly infringe one or more claims of the Asserted Patent, including, for example, claim 23, either literally or under the doctrine of equivalents, by allowing merchants to use services that enable a claimed apparatus in violation of 35 U.S.C. § 271.

26. Defendants' infringing services include, for example, the services Defendants provide through their "Payment Page," "Simply Connect," and "Web SDK" products, as well as any other similar services provided by Defendants.

27. For example, Representative Claim 23 of the Asserted Patent claims:

A merchant server, operated by or for the benefit of a payee, comprising:

one or more computer processors; and

non-transitory computer readable storage media storing instructions that, when executed by the one or more computer processors, cause the merchant server to:

provide a webpage to a payer computing system used by a payer;

receive enrollment data identifying the payer;

provide, to a secure server via an application programming interface (API) provided by the secure server, at least one data element associated with the payer and a payment amount from the payer to the payee;

display a window or frame within the webpage provided to the payer computing system;

provide authentication credentials to the API to establish an authenticated session, the authentication credentials identifying the payee and authenticating the payee;

initiate a financial account registration function of the API during the authenticated session, the financial account registration function:

establishing a secure socket layer connection between the secure server and the payer computing system within the window or frame;

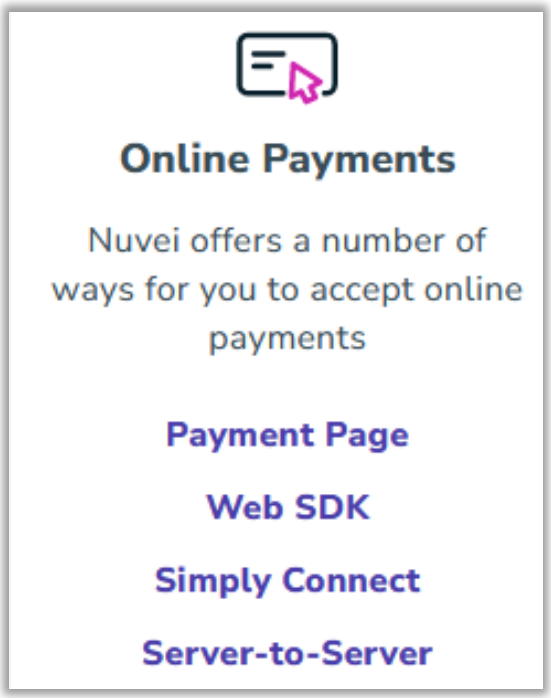
outputting instructions to the payer computing system to render a financial account registration request form, within the window or frame, that provides functionality for the payer to provide sensitive financial account information associated with a financial account; and

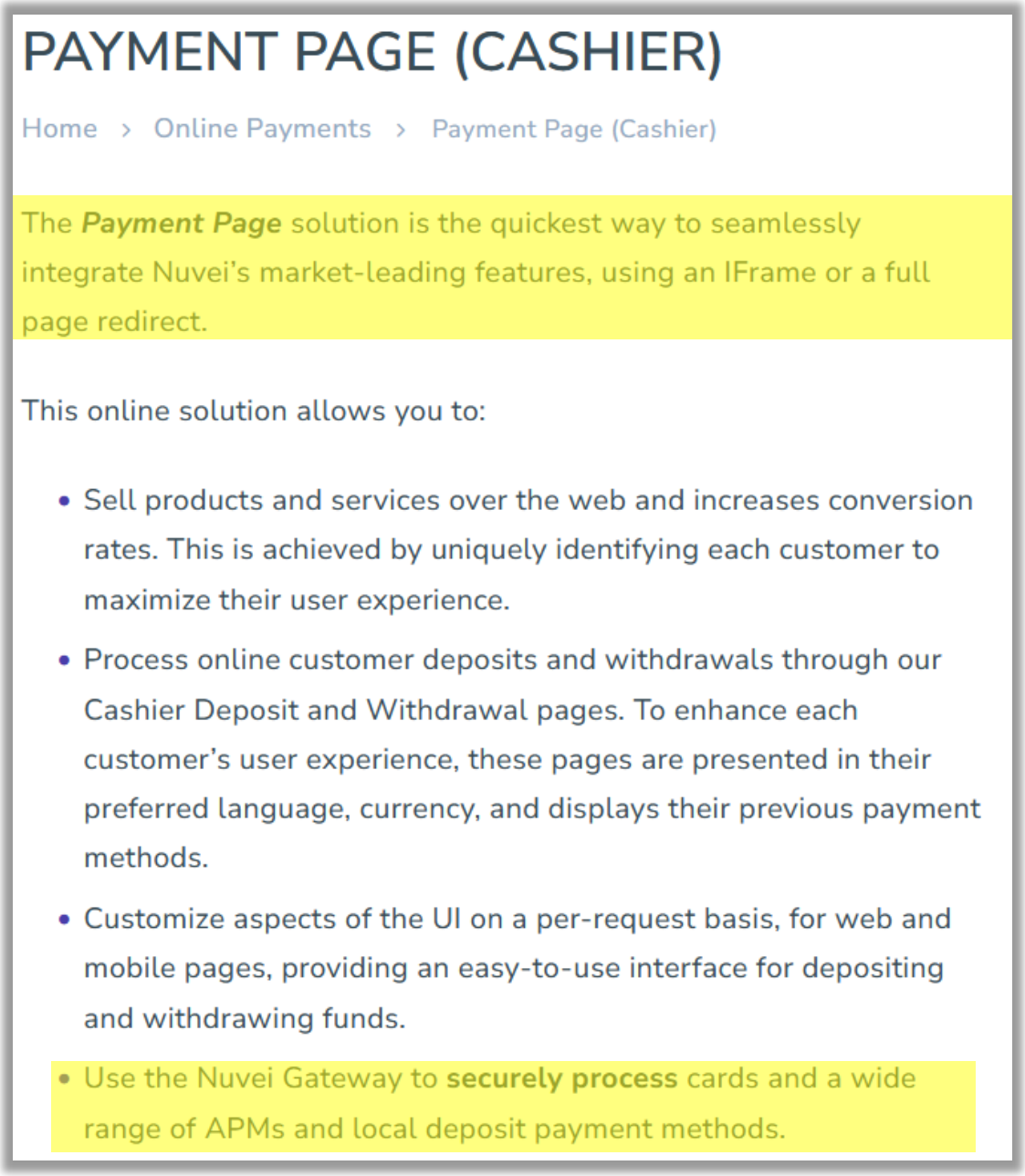
outputting instructions to the payer computing system to encrypt the sensitive financial account information provided by the payer and transmit the encrypted financial account information to the secure server via the secure socket layer connection;

> initiate a token retrieval function of the API during the authenticated session, the token retrieval function outputting a non-sensitive electronic data token representing the sensitive financial account information to the merchant server;
>
> receive the non-sensitive electronic data token from the secure server, wherein the merchant server does not receive the sensitive financial account information represented by the non-sensitive electronic data token and the secure server does not provide the non-sensitive electronic data token to the payer;
>
> store the non-sensitive electronic data token in association with the enrollment data identifying the payer; and
>
> process a payment from the payer by generating a payment transaction instruction, using the token retrieval function of the API, that includes a representation of the non-sensitive electronic data token and instructs the secure server to generate and transmit an electronic request requesting the payment amount from the financial account, obtain the payment amount, and forward at least a portion of the payment amount.

28. By providing their "Payment Page," "Simply Connect," and "Web SDK" products, Defendants contribute and/or actively induce the creation of a merchant server, operated by or for the benefit of a payee that meets every element of Claim 23. The figures below are excerpts from Defendants' website providing an overview of their online payment options for the benefit of merchants and the "Payment Page" product specifically:[13]

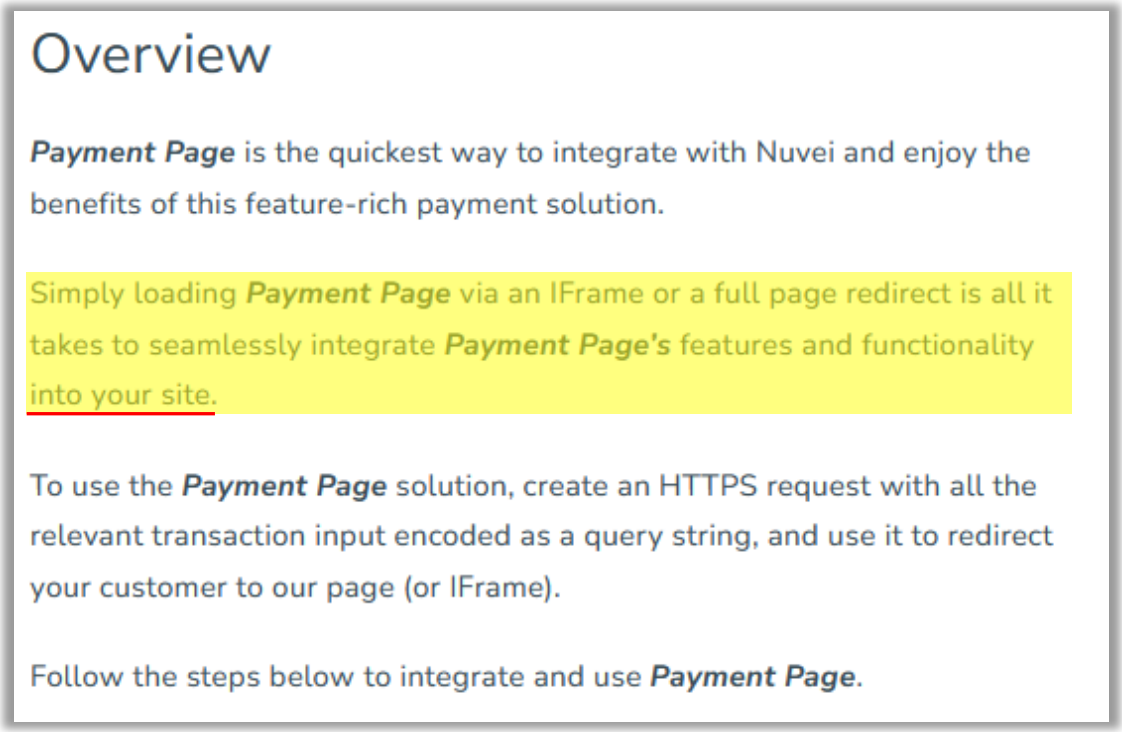
[13] https://docs.nuvei.com/documentation/home/ (last visited April 4, 2024); https://docs.nuvei.com/documentation/accept-payment/payment-page/ (last visited April 4, 2024).


Online Payments
Nuvei offers a number of ways for you to accept online payments
Payment Page
Web SDK
Simply Connect
Server-to-Server



29. Said merchant server comprises one or more computer processors and non-transitory computer readable storage media storing instructions that, when executed by the one or more computer processors, cause the merchant server to provide a webpage to a payer computing system used by the payer. This is shown by, *e.g.*, the following excerpts from Defendants'

documentation and marketing materials for their "Payment Page" and API Reference Guide:[14]



Overview

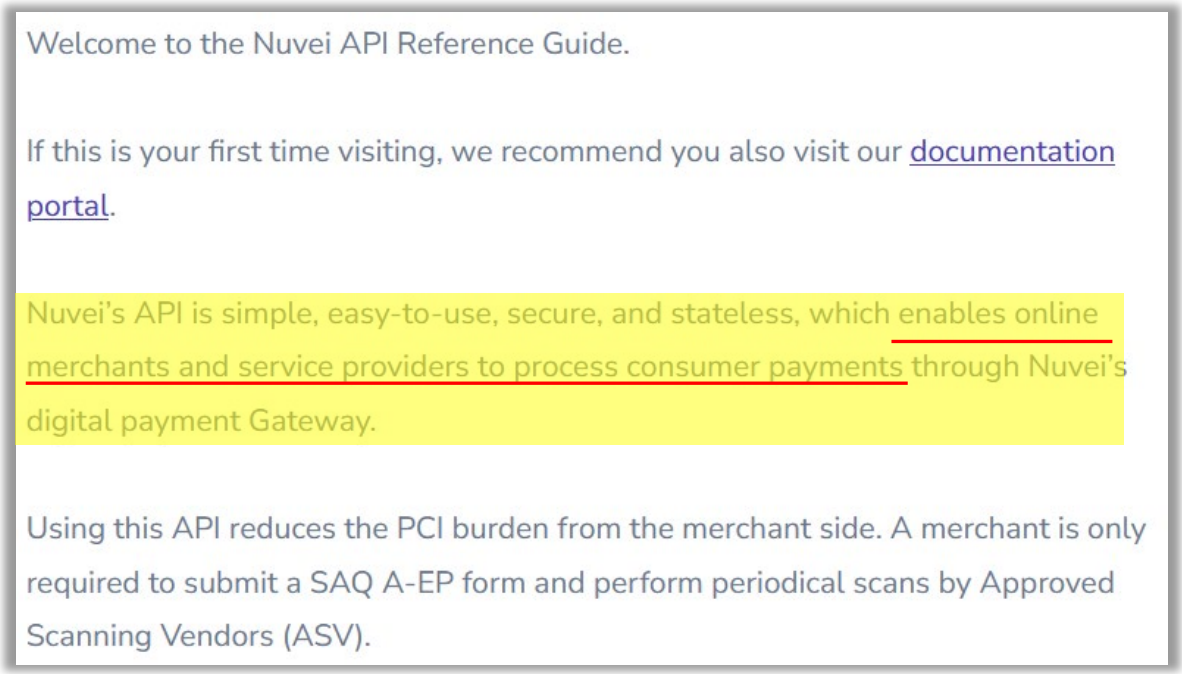
Payment Page is the quickest way to integrate with Nuvei and enjoy the benefits of this feature-rich payment solution.

Simply loading ***Payment Page*** via an IFrame or a full page redirect is all it takes to seamlessly integrate ***Payment Page's*** features and functionality into your site.

To use the ***Payment Page*** solution, create an HTTPS request with all the relevant transaction input encoded as a query string, and use it to redirect your customer to our page (or IFrame).

Follow the steps below to integrate and use ***Payment Page***.

[14] https://docs.nuvei.com/documentation/accept-payment/payment-page/quick-start-for-payment-page/ (last visited April 4, 2024); https://docs.nuvei.com/api/main/indexMain_v1_0.html?java#Introduction (last visited April 4, 2024).


Welcome to the Nuvei API Reference Guide.

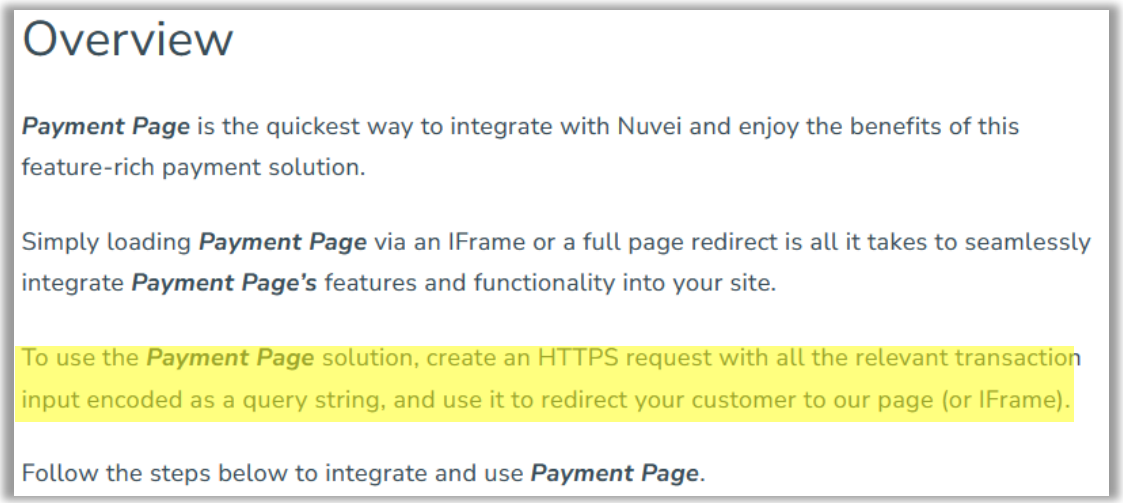
If this is your first time visiting, we recommend you also visit our documentation portal.

Nuvei's API is simple, easy-to-use, secure, and stateless, which enables online merchants and service providers to process consumer payments through Nuvei's digital payment Gateway.

Using this API reduces the PCI burden from the merchant side. A merchant is only required to submit a SAQ A-EP form and perform periodical scans by Approved Scanning Vendors (ASV).

30. Defendants' products contribute and/or actively induce the merchant server to receive enrollment data identifying the payer. This is shown by, *e.g.*, the following excerpts from Defendants' documentation providing an overview of the "Payment Page" and documentation on the "Input Parameters" section of Defendants' "Payment Page":[15]

[15] https://docs.nuvei.com/documentation/accept-payment/payment-page/quick-start-for-payment-page/ (last visited April 4, 2024); https://docs.nuvei.com/documentation/accept-payment/payment-page/input-parameters/ (last visited November 8, 2024).



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Follow the steps below to integrate and use ***Payment Page***.

User Token

Parameter	Type	Size	Mandatory	Description
user_token	String	Char (8)	No	This parameter determines if the payment page requires existing customers to register for each transaction. **register** – Always register, even if registered already **auto** – Register only new users **readonly** – Cannot register new payment option, only use existing one. **registeronly** – Always register. Does not show existing payment options previously added by the user **readonlyupo** – User can select only existing specific UPO specified in **userPaymentOptionId**
user_token_id	String	Char (255)	Yes	ID for the user, based on which we manage the user's payment methods.
userPaymentOptionId	String		No	This ID specifies the user payment option to use for the transaction when user_token = readonlyupo

31. Defendants' products contribute and/or actively induce the merchant server to provide, to a secure server via an application programming interface (API) provided by the secure

server, at least one data element associated with the payer and a payment amount from the payer to the payee. This is shown by, *e.g.*, the "total_amount," "user_token_id," "merchant_id," "merchant_site_id" etc. parameters of the "Input Parameter" section of Defendants' documentation for their "Payment Page":[16]

discount	Double	64 bits	No	Additional discount amount, regardless of any discount(s) for the transaction.
shipping	Double	64 bits	No	Total shipping costs.
handling	Double	64 bits	No	Total handling costs.
total_amount	Double	64 bits	Yes	Total transaction charge.
total_tax	Double	64 bits	No	The VAT percentage to be applied to the transaction.
shipping_tax	Double	64 bits	No	The tax rate (percentage) of the cart's shipping fee. Values: **1–101**

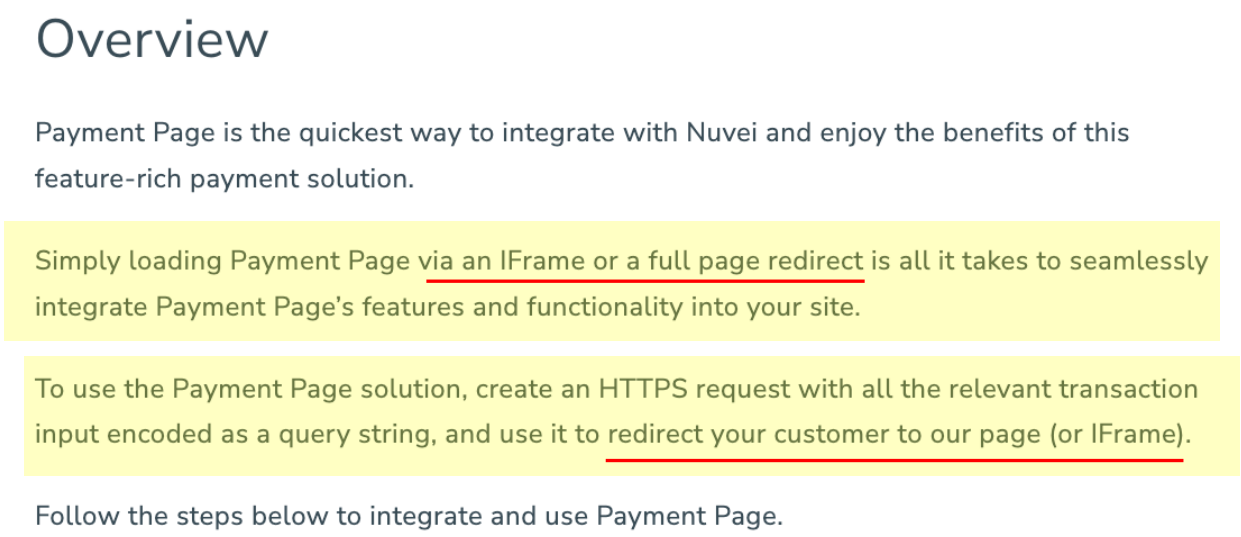
[16] https://docs.nuvei.com/documentation/accept-payment/payment-page/input-parameters/ (last visited April 4, 2024).

Parameter	Type	Size	Mandatory	Description
merchant_id	Integer	64bits	All	The merchant's ID provided by Nuvei.
merchant_site_id	Integer	64bits	All	The merchant website's ID provided by Nuvei.
checksum	String	Char(102400)	All	A hashing of the request to secure and authenticate the request.
time_stamp	String	Char(19)	All	Current GMT time in the following format: YYY-MM-DD.HH:MM:SS.
currency	String	Char(3)	All	The currency used in the transaction.

user_token_id	String	Char (255)	Yes	ID for the user, based on which we manage the user's payment methods.

32. Defendants contribute and/or actively induce the merchant server to display a window or frame within the webpage provided to the payer computing system. This is shown by, *e.g.*, the "Overview" section of Defendants' documentation providing an overview of their "Payment Page" and describing its implementation via an iFrame on a merchant webpage:[17]

[17] https://docs.nuvei.com/documentation/accept-payment/payment-page/quick-start-for-payment-page/ (last visited November 8, 2024).



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Simply loading Payment Page via an IFrame or a full page redirect is all it takes to seamlessly integrate Payment Page's features and functionality into your site.

To use the Payment Page solution, create an HTTPS request with all the relevant transaction input encoded as a query string, and use it to redirect your customer to our page (or IFrame).

Follow the steps below to integrate and use Payment Page.

33. Defendants contribute and/or actively induce the merchant server to provide authentication credentials to the API to establish an authenticated session, the authentication credentials identifying the payee and authenticating the payee. This is shown by, *e.g.*, the "Prepare the Authentication Request" section of Defendants' documentation providing an overview of their "Payment Page," and describing the "merchant_id," "merchant_site_id," and "secret key" used to identify and authenticate the payee:[18]

[18] https://docs.nuvei.com/documentation/accept-payment/payment-page/quick-start-for-payment-page/ (last visited November 8, 2024).

2. Prepare the Authentication Request

Include a SHA-256 encrypted `checksum` in your HTTPS request to help Nuvei authenticate the request and avoid communication errors.

Follow these steps to create the `checksum`:

1. Create a string of the **values** of all the input parameters (without spaces) in the exact order that they are sent in the request, as follows:
   a. Copy the ***transaction input parameters string*** and delete everything except the **values** of all the input parameters (without spaces).
   b. Concatenate the ***value*** of your ***secret key*** to the front of the string.
   For example, assuming a ***secret key*** value of: Secret123

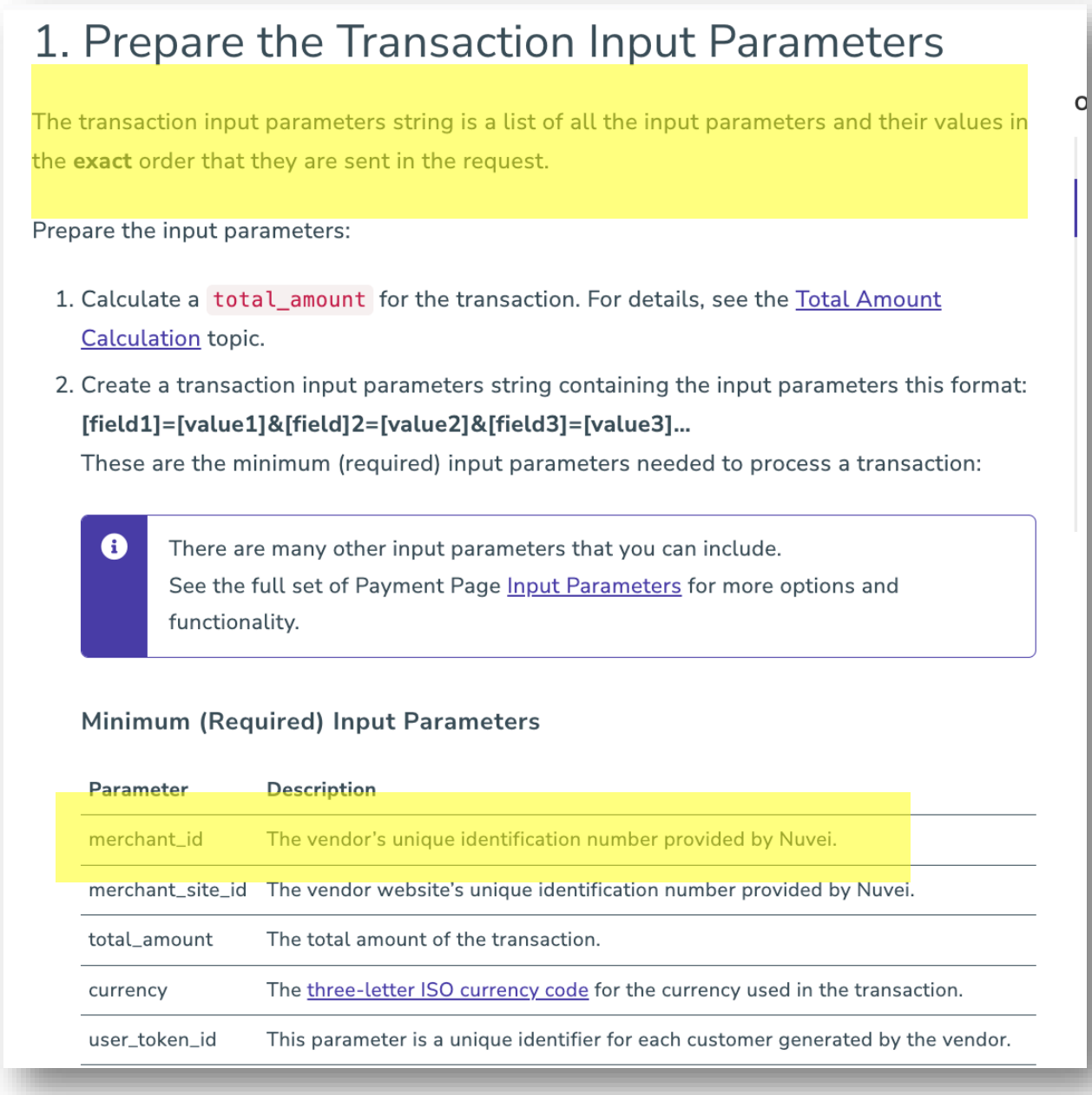
```
Secret1232834758912375515USDtest@test.comitem11512011-01-05.06:04:264.0.0https://
notify.merchant.com
```

2. Generate an encrypted ***checksum*** (based on the example string above) by running the string through a SHA-256 encryption function:

```
027402ea5d3e62179bfd82ec70eae2ad16efe7802880d452214d685169ce9300
```

3. Use the encrypted ***checksum*** value the `checksum` parameter in the request:

```
checksum=fedf7e2f70006c83fa740bfa121cdcac0932a672fc7e12a55621153cb52cddf9
```



1. Prepare the Transaction Input Parameters

The transaction input parameters string is a list of all the input parameters and their values in the **exact** order that they are sent in the request.

Prepare the input parameters:

1. Calculate a `total_amount` for the transaction. For details, see the Total Amount Calculation topic.
2. Create a transaction input parameters string containing the input parameters this format:
   [field1]=[value1]&[field]2=[value2]&[field3]=[value3]...
   These are the minimum (required) input parameters needed to process a transaction:

> There are many other input parameters that you can include.
> See the full set of Payment Page Input Parameters for more options and functionality.

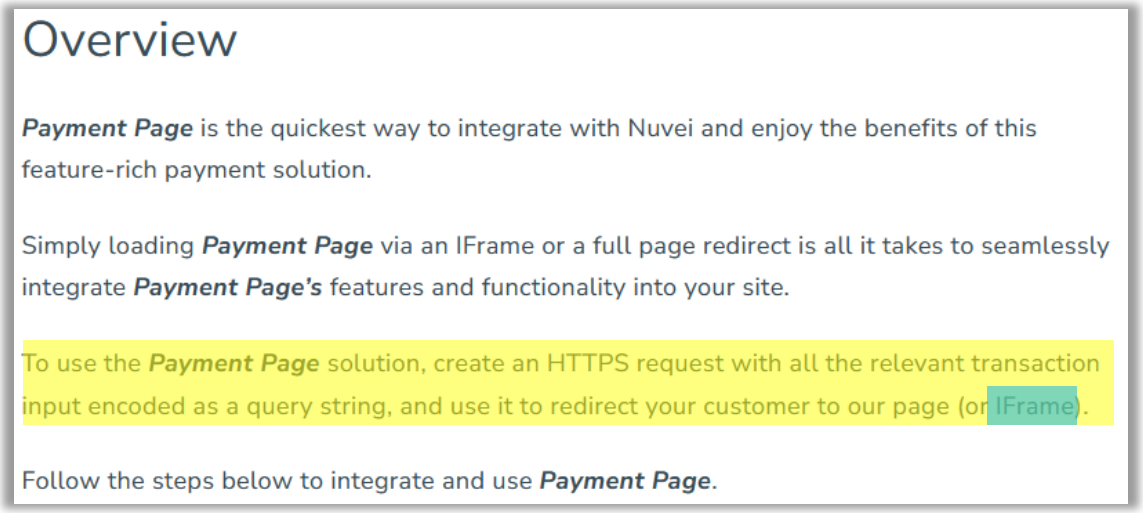
Minimum (Required) Input Parameters

Parameter	Description
merchant_id	The vendor's unique identification number provided by Nuvei.
merchant_site_id	The vendor website's unique identification number provided by Nuvei.
total_amount	The total amount of the transaction.
currency	The three-letter ISO currency code for the currency used in the transaction.
user_token_id	This parameter is a unique identifier for each customer generated by the vendor.

34. Defendants' products contribute and/or actively induce the merchant server to initiate a financial account registration function of the API during the authenticated session, the financial account registration function:

a. (i) establishes a secure socket layer connection between the secure server and the payer computing system within the window or frame. This is shown by, *e.g.*,

Defendants' description of "creat[ing] an HTTPS request with all the relevant transaction input . . . and use it to redirect your customer to our page (or **IFrame**)" from the following excerpts from Defendants' documentation providing an overview of the "Payment Page" and a summary of how to "submit a request to the payment page," including the "Example of Transaction Input Encoded as a Query String":[19]



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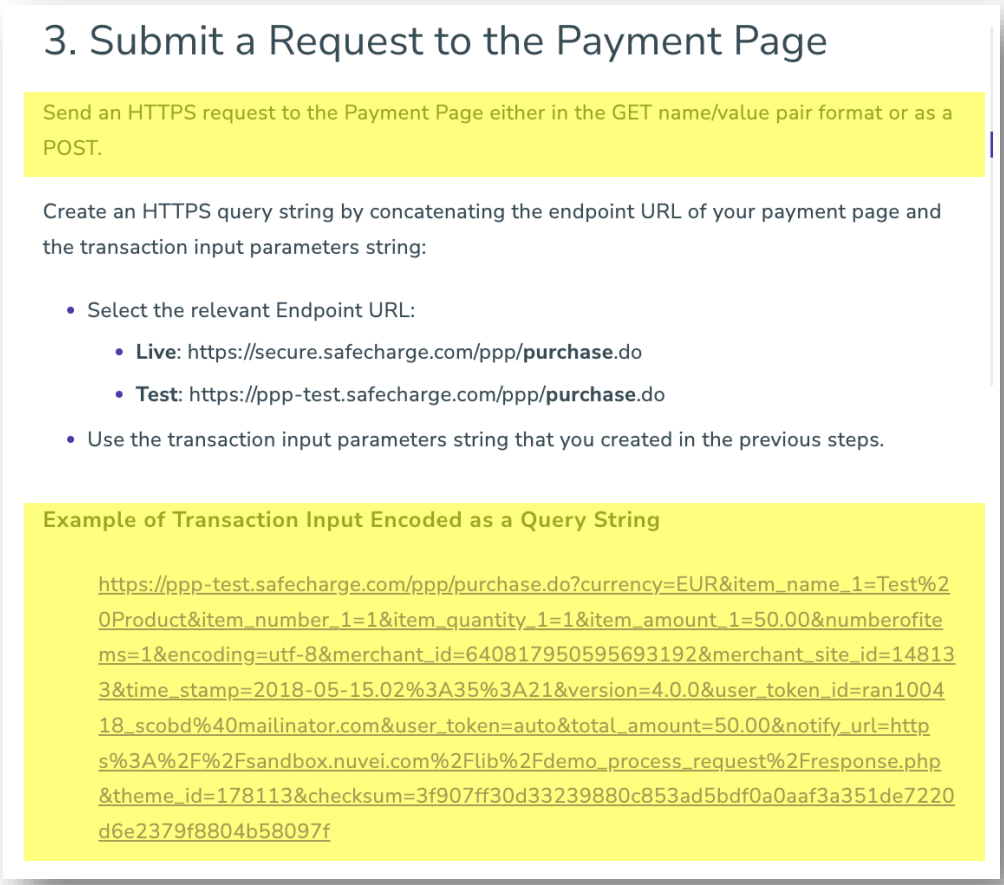
Follow the steps below to integrate and use ***Payment Page***.

[19] https://docs.nuvei.com/documentation/accept-payment/payment-page/quick-start-for-payment-page/ (last visited April 4, 2024).



3. Submit a Request to the Payment Page

Send an HTTPS request to the Payment Page either in the GET name/value pair format or as a POST.

Create an HTTPS query string by concatenating the endpoint URL of your payment page and the transaction input parameters string:

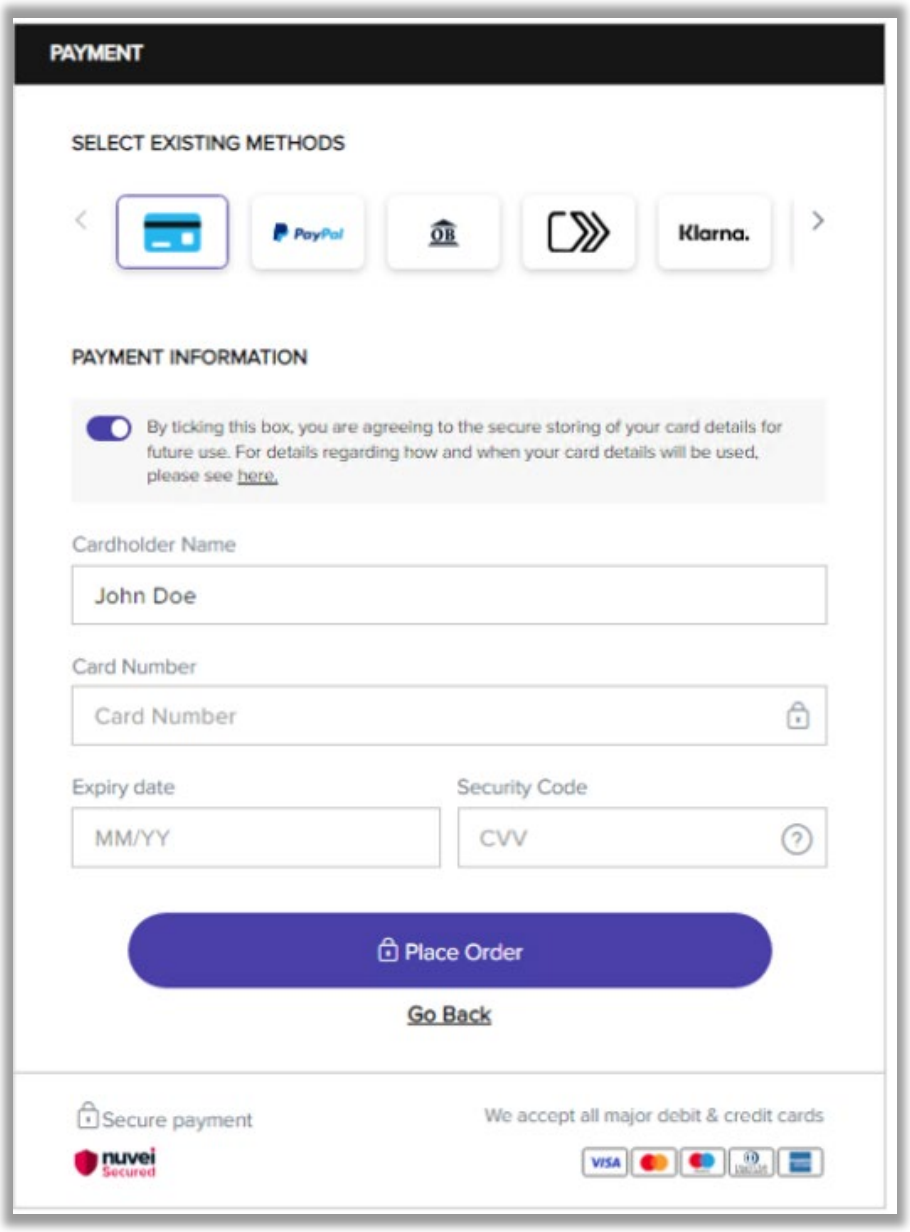
- Select the relevant Endpoint URL:
  - **Live**: https://secure.safecharge.com/ppp/**purchase**.do
  - **Test**: https://ppp-test.safecharge.com/ppp/**purchase**.do
- Use the transaction input parameters string that you created in the previous steps.

Example of Transaction Input Encoded as a Query String

https://ppp-test.safecharge.com/ppp/purchase.do?currency=EUR&item_name_1=Test%20Product&item_number_1=1&item_quantity_1=1&item_amount_1=50.00&numberofitems=1&encoding=utf-8&merchant_id=6408179505956931 92&merchant_site_id=148133&time_stamp=2018-05-15.02%3A35%3A21&version=4.0.0&user_token_id=ran100418_scobd%40mailinator.com&user_token=auto&total_amount=50.00&notify_url=https%3A%2F%2Fsandbox.nuvei.com%2Flib%2Fdemo_process_request%2Fresponse.php&theme_id=178113&checksum=3f907ff30d33239880c853ad5bdf0a0aaf3a351de7220d6e2379f8804b58097f

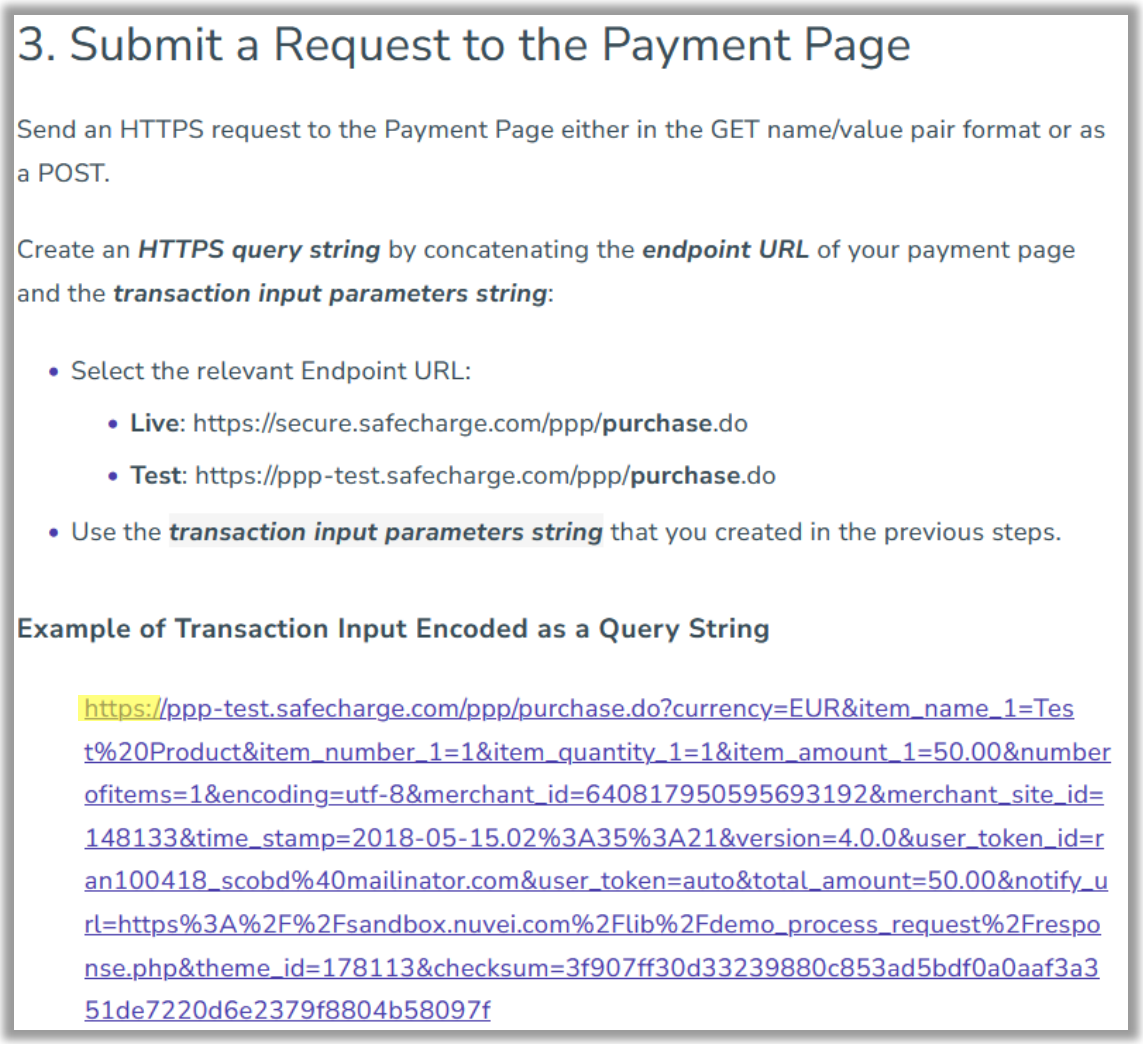
b. (ii) outputting instructions to the payer computing system to render a financial account registration request form, within the window or frame, that provides functionality for the payer to provide sensitive financial account information associated with a financial account. This is shown by, *e.g.*, the E-commerce demo page on the "Payment Page Demo Sites" section of Defendants' documentation for their "Payment Page":[20]

[20] https://docs.nuvei.com/documentation/accept-payment/payment-page/cashier-demo-sites/ (last visited April 4, 2024).



c. (iv) And outputting instructions to the payer computing system to encrypt the sensitive financial account information provided by the payer and transmit the encrypted financial account information to the secure server via the secure socket layer connection. This is shown by, *e.g.*, the fact that Defendants' products use "HTTPS" URLs and by Defendants' marketing material regarding their "PCI DSS

compliance," which requires transmissions of data to be encrypted:[21]



3. Submit a Request to the Payment Page

Send an HTTPS request to the Payment Page either in the GET name/value pair format or as a POST.

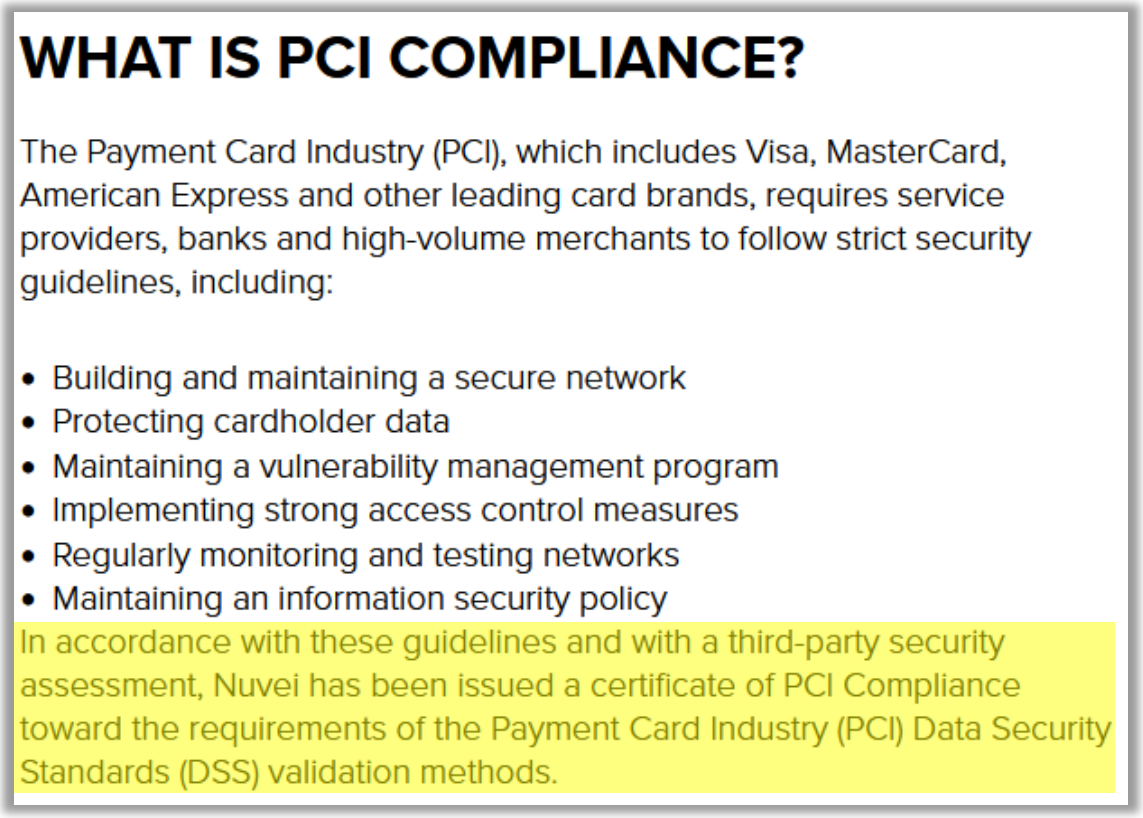
Create an ***HTTPS query string*** by concatenating the ***endpoint URL*** of your payment page and the ***transaction input parameters string***:

- Select the relevant Endpoint URL:
  - **Live**: https://secure.safecharge.com/ppp/**purchase**.do
  - **Test**: https://ppp-test.safecharge.com/ppp/**purchase**.do
- Use the ***transaction input parameters string*** that you created in the previous steps.

Example of Transaction Input Encoded as a Query String

https://ppp-test.safecharge.com/ppp/purchase.do?currency=EUR&item_name_1=Test%20Product&item_number_1=1&item_quantity_1=1&item_amount_1=50.00&numberofitems=1&encoding=utf-8&merchant_id=6408179505956931 92&merchant_site_id=148133&time_stamp=2018-05-15.02%3A35%3A21&version=4.0.0&user_token_id=ran100418_scobd%40mailinator.com&user_token=auto&total_amount=50.00&notify_url=https%3A%2F%2Fsandbox.nuvei.com%2Flib%2Fdemo_process_request%2Fresponse.php&theme_id=178113&checksum=3f907ff30d33239880c853ad5bdf0a0aaf3a351de7220d6e2379f8804b58097f

[21] https://docs.nuvei.com/documentation/accept-payment/payment-page/quick-start-for-payment-page/ (last visited April 4, 2024); https://nuvei.com/compliance-security/ (last visited April 4, 2024).



WHAT IS PCI COMPLIANCE?

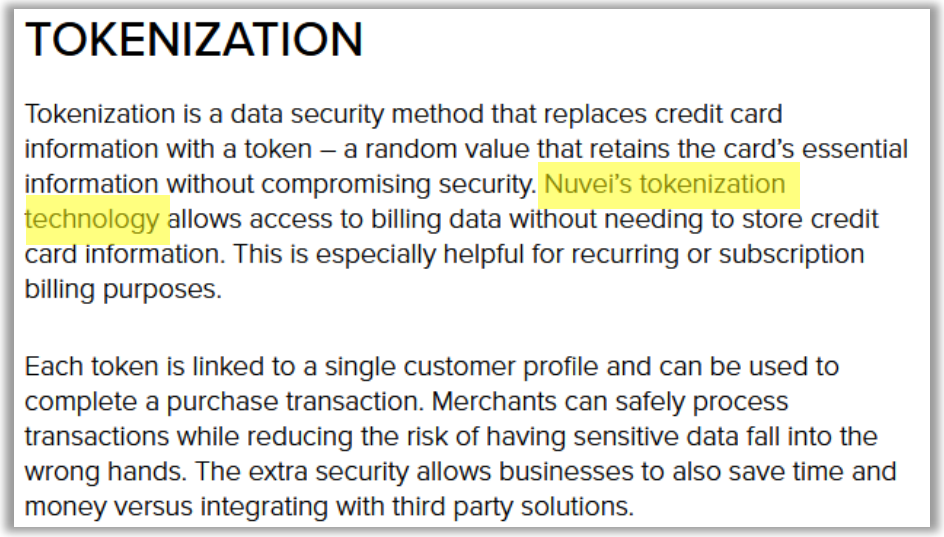
The Payment Card Industry (PCI), which includes Visa, MasterCard, American Express and other leading card brands, requires service providers, banks and high-volume merchants to follow strict security guidelines, including:

- Building and maintaining a secure network
- Protecting cardholder data
- Maintaining a vulnerability management program
- Implementing strong access control measures
- Regularly monitoring and testing networks
- Maintaining an information security policy

In accordance with these guidelines and with a third-party security assessment, Nuvei has been issued a certificate of PCI Compliance toward the requirements of the Payment Card Industry (PCI) Data Security Standards (DSS) validation methods.

35. Defendants' products contribute and/or actively induce the merchant server to initiate a token retrieval function of the API during the authenticated session, the token retrieval function outputting a non-sensitive electronic data token representing the sensitive financial account information to the merchant server. For example, the "token" described in the excerpt above (which is further described in Defendants' documentation as an "Output Parameter[]") and "Nuvei's tokenization technology" described in Defendants' PCI compliance marketing materials and the "PCI and Tokenization" page of Defendants' documentation guide show "a non-sensitive electronic data token." Moreover, the "Handle the Response" excerpt in Defendants' documentation providing an overview of their "Payment Page" shows that they process a

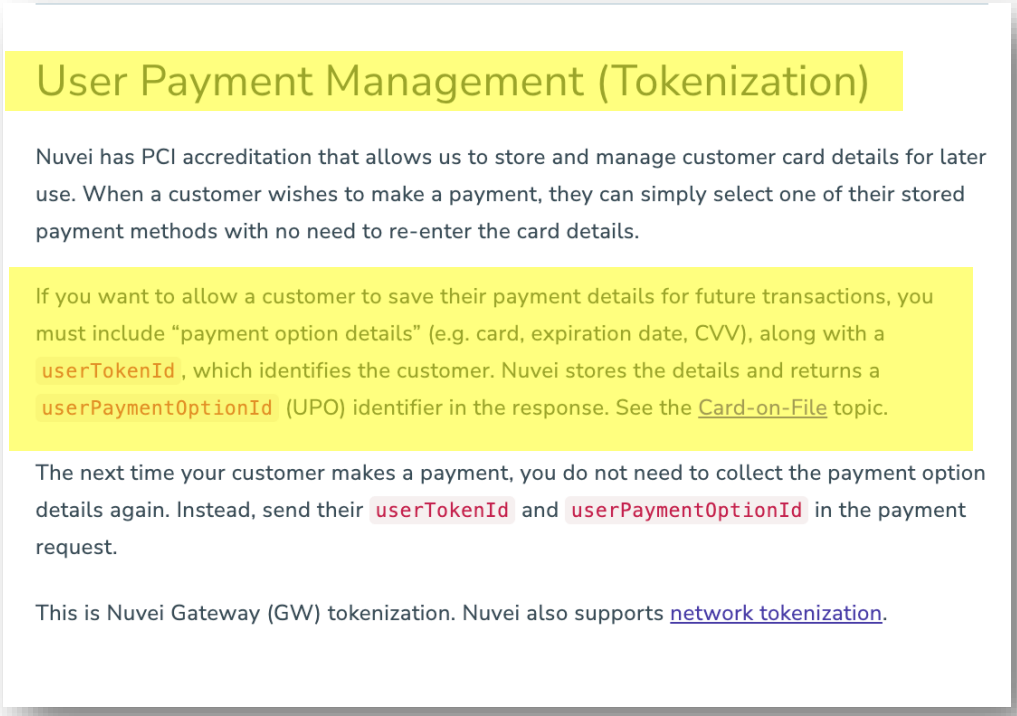
payment:[22]



TOKENIZATION

Tokenization is a data security method that replaces credit card information with a token – a random value that retains the card's essential information without compromising security. Nuvei's tokenization technology allows access to billing data without needing to store credit card information. This is especially helpful for recurring or subscription billing purposes.

Each token is linked to a single customer profile and can be used to complete a purchase transaction. Merchants can safely process transactions while reducing the risk of having sensitive data fall into the wrong hands. The extra security allows businesses to also save time and money versus integrating with third party solutions.



User Payment Management (Tokenization)

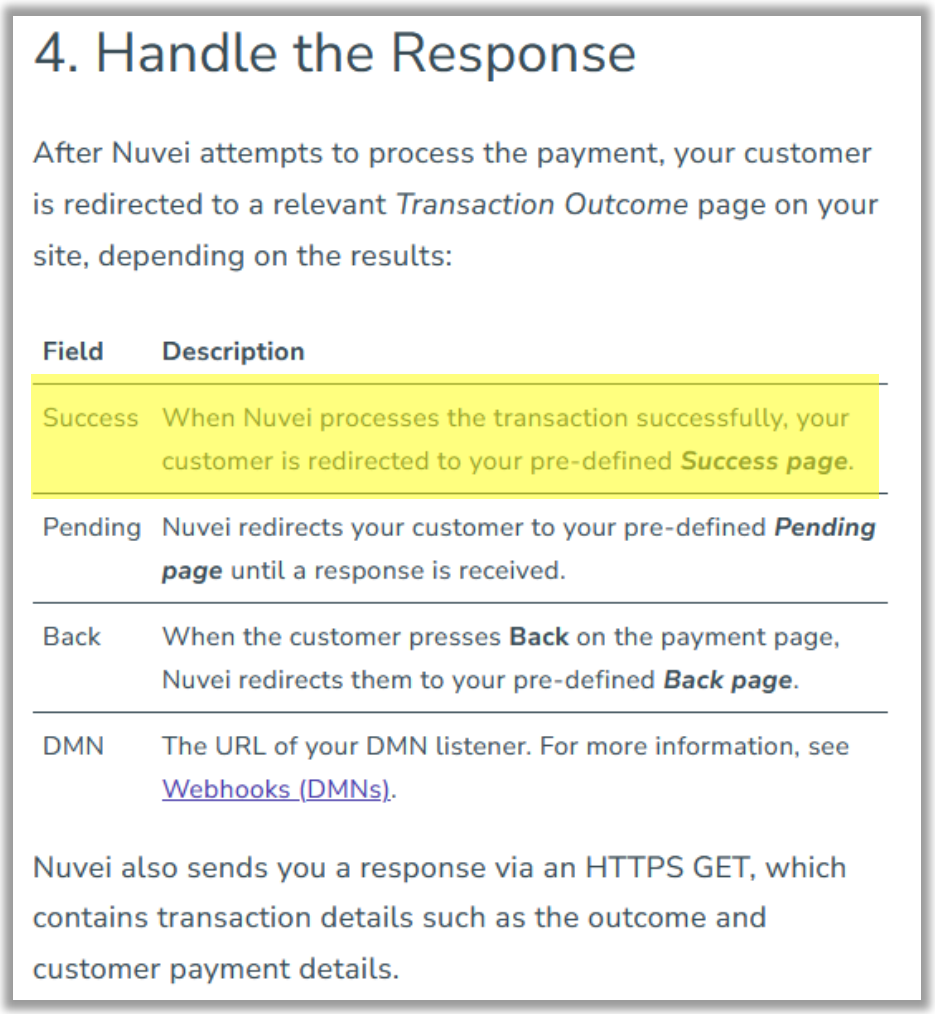
Nuvei has PCI accreditation that allows us to store and manage customer card details for later use. When a customer wishes to make a payment, they can simply select one of their stored payment methods with no need to re-enter the card details.

If you want to allow a customer to save their payment details for future transactions, you must include "payment option details" (e.g. card, expiration date, CVV), along with a `userTokenId`, which identifies the customer. Nuvei stores the details and returns a `userPaymentOptionId` (UPO) identifier in the response. See the Card-on-File topic.

The next time your customer makes a payment, you do not need to collect the payment option details again. Instead, send their `userTokenId` and `userPaymentOptionId` in the payment request.

This is Nuvei Gateway (GW) tokenization. Nuvei also supports network tokenization.

[22] https://nuvei.com/compliance-security/ (last visited April 4, 2024); https://docs.nuvei.com/documentation/accept-payment/payment-page/quick-start-for-payment-page/ (last visited April 4, 2024).



4. Handle the Response

After Nuvei attempts to process the payment, your customer is redirected to a relevant *Transaction Outcome* page on your site, depending on the results:

Field	Description
Success	When Nuvei processes the transaction successfully, your customer is redirected to your pre-defined ***Success page***.
Pending	Nuvei redirects your customer to your pre-defined ***Pending page*** until a response is received.
Back	When the customer presses **Back** on the payment page, Nuvei redirects them to your pre-defined ***Back page***.
DMN	The URL of your DMN listener. For more information, see Webhooks (DMNs).

Nuvei also sends you a response via an HTTPS GET, which contains transaction details such as the outcome and customer payment details.

36. Defendants' products contribute and/or actively induce the merchant server to receive the non-sensitive electronic data token from the secure server, wherein the merchant server does not receive the sensitive financial account information represented by the non-sensitive electronic data token and the secure server does not provide the non-sensitive electronic data token to the payer. This is shown by, *e.g.*, the fact that the Payment Page allows for the merchant to include of a userPaymentOptionId (the "non-sensitive electronic data token") as an input parameter for a Payment query string,[23] and the Defendants' description of the

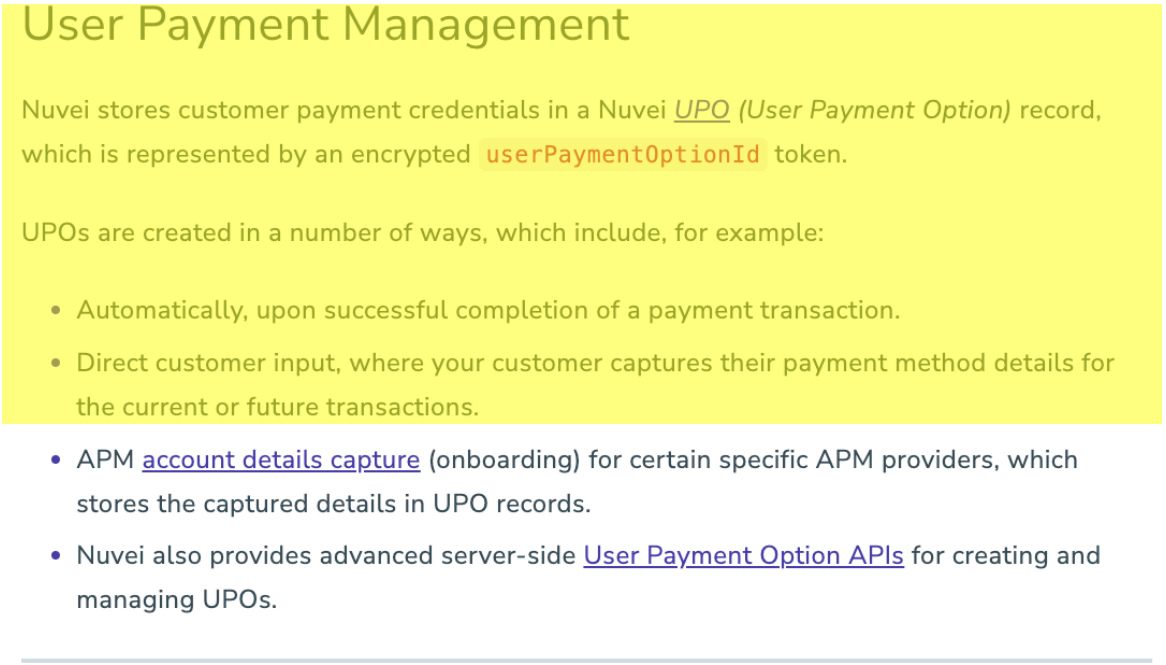
[23] https://docs.nuvei.com/documentation/accept-payment/payment-page/input-parameters/ (last visited November 8, 2024).

"userPaymentOptionId" in their "card-on-file" documentation.[24]

User Token

Parameter	Type	Size	Mandatory	Description
user_token	String	Char (8)	No	This parameter determines if the payment page requires existing customers to register for each transaction. **register** – Always register, even if registered already **auto** – Register only new users **readonly** – Cannot register new payment option, only use existing one. **registeronly** – Always register. Does not show existing payment options previously added by the user **readonlyupo** – User can select only existing specific UPO specified in **userPaymentOptionId**
user_token_id	String	Char (255)	Yes	ID for the user, based on which we manage the user's payment methods.
userPaymentOptionId	String		No	This ID specifies the user payment option to use for the transaction when user_token = readonlyupo

[24] https://docs.nuvei.com/documentation/features/card-operations/card-on-file/ (last visited November 8, 2024).



User Payment Management

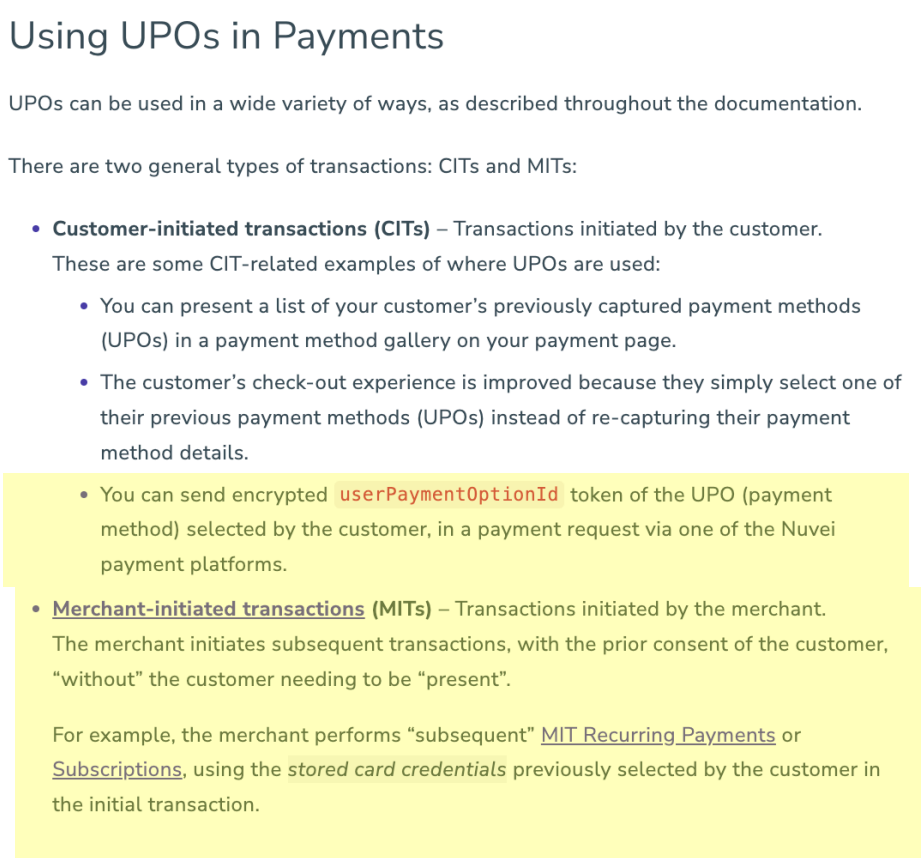
Nuvei stores customer payment credentials in a Nuvei *UPO (User Payment Option)* record, which is represented by an encrypted `userPaymentOptionId` token.

UPOs are created in a number of ways, which include, for example:

- Automatically, upon successful completion of a payment transaction.
- Direct customer input, where your customer captures their payment method details for the current or future transactions.
- APM account details capture (onboarding) for certain specific APM providers, which stores the captured details in UPO records.
- Nuvei also provides advanced server-side User Payment Option APIs for creating and managing UPOs.

37. Defendants' products contribute and/or actively induce the merchant server to store the non-sensitive electronic data token in association with the enrollment data identifying the payer, and process a payment from the payer by generating a payment transaction instruction, using the token retrieval function of the API, that includes a representation of the non-sensitive electronic data token and instructs the secure server to generate and transmit an electronic request requesting the payment amount from the financial account, obtain the payment amount, and forward at least a portion of the payment amount. This is shown, for example, by Defendants' description of the merchant's "stored card credentials" to be used for recurring transactions and description of such recurring transactions.[25]

[25] https://docs.nuvei.com/documentation/features/card-operations/card-on-file/ (last visited November 8, 2024).



Using UPOs in Payments

UPOs can be used in a wide variety of ways, as described throughout the documentation.

There are two general types of transactions: CITs and MITs:

- **Customer-initiated transactions (CITs)** – Transactions initiated by the customer.
  These are some CIT-related examples of where UPOs are used:
  - You can present a list of your customer's previously captured payment methods (UPOs) in a payment method gallery on your payment page.
  - The customer's check-out experience is improved because they simply select one of their previous payment methods (UPOs) instead of re-capturing their payment method details.
  - You can send encrypted `userPaymentOptionId` token of the UPO (payment method) selected by the customer, in a payment request via one of the Nuvei payment platforms.
- **Merchant-initiated transactions (MITs)** – Transactions initiated by the merchant.
  The merchant initiates subsequent transactions, with the prior consent of the customer, "without" the customer needing to be "present".

  For example, the merchant performs "subsequent" MIT Recurring Payments or Subscriptions, using the *stored card credentials* previously selected by the customer in the initial transaction.

38. Defendants Nuvei Corporation and Nuvei Technologies Corporation had actual knowledge of the Asserted Patent and the infringement of the same no later than the date of the Original Complaint in this action. Defendants Nuvei International Group Limited and Nuvei Limited had actual knowledge of the Asserted Patent and the infringement of the same no later than October 14, 2024, when both entities produced documents in response to venue discovery requests in this matter.

39. Defendants have and continue to indirectly infringe one or more claims of the Asserted Patent by inducing and/or contributing to direct infringement of the Asserted Patent by users, importers, sellers, and resellers of the accused services. The direct infringers include, for

example, at least the following: New Balance,[26] Shein,[27] DraftKings,[28] FanDuel,[29] BetMGM,[30] Hays Utility North Corporation,[31] and Sabre Corporation.[32]

40. Defendants have and continue to induce others to directly infringe, either literally or under the doctrine of equivalents, by, among other things, making, using, offering to sell, selling and/or importing into the United States, without authority, products or services that practice one or more claims of the Asserted Patent.

41. Defendants induced the infringement by others with the intent to cause infringing acts by others or, in the alternative, with the belief that there was a high probability that others infringe the Asserted Patent, but while at best, remaining willfully blind to the infringement.

42. As discussed in Paragraphs 22–37, above, Defendants advertise the accused products, publish specifications and promotional literature encouraging users to implement and incorporate the accused products into end-user products, create and/or distribute user manuals that provide instructions and/or encourage infringing use, and offer support and/or technical assistance to their users that provide instructions on and/or encourage infringing use.

43. Defendants encourage users to infringe the Asserted Patent by promoting the infringing activities, for example, providing documentation and stating in their documentation for the Nuvei API Reference Guide that "Nuvei's API is simple, easy-to-use, and stateless, which enables online merchants and service providers to process consumer payments through Nuvei's

[26] https://finovate.com/nuvei-acquired-by-private-equity-firm/ (last visited April 29, 2024).
[27] *Id.*
[28] https://nuvei.com/company/nuvei-approved-to-process-payments-for-online-sportsbook-operators-in-new-york/ (last visited April 29, 2024).
[29] *Id.*
[30] *Id.*
[31] https://issuu.com/nuveitech/docs/nuvei_hays_case_study (last visited April 29, 2024).
[32] https://nuvei.com/company/press-releases/nuvei-integrates-with-sabre-to-offer-market-leading-payments-for-the-travel-and-hospitality-industries/ (last visited April 29, 2024).

digital payment Gateway . . . This API Reference Guide describes the API's services and functionality, and is intended for developers by providing all necessary integration information, including the necessary requests and responses."[33]

44. Users that incorporate infringing apparatuses and infringing methods into other products and services because of Defendants' active inducement (*e.g.*, New Balance, Hays Utility North Corporation, and Sabre Corporation,) each directly infringe the Asserted Patent pursuant to Defendants' instructions and advertisements.

45. Additionally, Defendants have and continue to contribute to the direct infringement of others, either literally or under the doctrine of equivalents, by, among other things, offering to sell or selling within the United States, components of a patented device or an apparatus for use in practicing the claimed method, constituting a material part of the invention.

46. As discussed in Paragraphs 22–37, above, Defendants provide APIs and example code that constitute components of a patented device or an apparatus for use in practicing the '621 Patent.

47. Defendants do this knowing the same to be especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

48. Users that incorporate the APIs and example code into other products and services (*e.g.*, Hays Utility North Corporation, Sabre Corporation, and the unnamed North Texas city municipal court) each directly infringe the Asserted Patent.

49. The acts of infringement by Defendants have caused and will continue to cause

[33] https://docs.nuvei.com/api/main/indexMain_v1_0.html?json#WebSDKOverview (last visited April 15, 2024).

damage to Autoscribe, and Autoscribe is entitled to recover from Defendants the damages sustained by Autoscribe as a result of Defendants' wrongful acts in an amount subject to proof at trial. The infringement of Autoscribe's exclusive rights under the Asserted Patent by Defendants has damaged and will continue to damage Autoscribe, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

50. Defendants' infringement of the Asserted Patent has been willful and continues to be willful. In addition, or in the alternative, at least as early as October 14, 2024, all Defendants have had knowledge of the Asserted Patent and written notice of the infringement, and its infringement has been willful at least as of that date. Autoscribe intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding and increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

V. JURY DEMAND

51. Autoscribe hereby demands a trial by jury on all issues so triable.

VI. PRAYER FOR RELIEF

WHEREFORE, Autoscribe requests entry of judgment in its favor and against Defendants as follows:

a) A declaration that Defendants have induced and/or contributed to infringement and/or are inducing and/or contributing to infringement of one or more claims of the Asserted Patent, either literally or under the doctrine of equivalents;

b) An award of damages pursuant to 35 U.S.C. § 284 adequate to compensate Autoscribe for Defendants' infringement of the Asserted Patent in an amount according to proof at trial (together with prejudgment and post-judgment interest), but no less than a reasonable royalty;

c) An order permanently enjoining Defendant, its officers, agents, employees, and those acting in privity with it, from further direct and/or indirect infringement of the Asserted Patent;

d) An award of costs and expenses pursuant to 35 U.S.C. § 284 or as otherwise permitted by law; and

e) Such other and further relief, whether legal, equitable, or otherwise, to which Autoscribe may be entitled or which this Court may order.

Dated: November 11, 2024

Respectfully submitted,

/s/ Jason McManis

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